IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.262 of 2006

Jagdish Shivshankar Jani — Applicant
Vs.
Sandeep Gala & anr. — Respondents

Mr.S.V.Marwadi with Mr.M.D.Mali for applicant.
Mr.Jagdish Chaudhari i/b. Mr.S.P.Kadam for resp.no.1.
Mr.D.R.More, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 16, 2007.

P.C.

. Heard Mr.Marwadi, the learned counsel for the applicant who is seeking special leave to appeal against the order of acquittal passed by the learned Metropolitan Magistrate in the complaint filed for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Perused the reasoning set out in the order of acquittal and I am satisfied that leave to appeal is required to be granted.

. Hence the application is allowed in terms of prayer clause (a).

. Appeal is admitted.

. Respondent no.1 waives service. The learned APP appears for the State.

. Action under Section 390 of Cr.P.C. to be taken by the learned Metropolitan Magistrate.

. Call for R. & P.

(B.H.MARL